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Attorneys for Plaintiffs
HOLOGIC, INC., CYTYC CORPORATION and HOLOGIC LP

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HOLOGIC, INC., CYTYC CORPORATION,
and HOLOGIC L.P.,

Plaintiffs,

vs.

SENORX, INC.,

Defendant.

AND RELATED COUNTERCLAIMS.

Case No. C08 00133 RMW (RS)

**DECLARATION OF JULIE L. DAVIS IN
SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Date: April 21, 2008
Time: 2:00 p.m.
Courtroom: 6, 4th Floor
Judge: Hon. Ronald M. Whyte

I, Julie L. Davis, declare that:

BACKGROUND

1. I have been providing audit and financial consulting services to attorneys and corporate clients for over twenty-nine years. The early part of my career was devoted to directing and performing independent financial audits of private and publicly held companies ranging from manufacturing entities to financial institutions. Drawing upon that background, I now consult extensively with companies involved in business and intellectual property disputes.

2. I have worked on numerous intellectual property cases during my career and have conducted complex studies of damages related thereto. These studies have included evaluations of lost sales, lost profits, incremental profits, manufacturing and marketing capacities, fixed and variable costs, product line profitability, price erosion, reasonable royalty, unjust enrichment, and prejudgment interest. I have testified in matters related to these studies.

3. I graduated in 1978, summa cum laude, from Kansas State University with a Bachelor of Science degree in Business Administration and Accounting. In the same year, I earned the Gold Key in the State of Kansas for the highest score in the state on the CPA exam. I am a member of the American Institute of Certified Public Accountants, American Bar Association and Licensing Executives Society. My *curriculum vitae*, which is attached as Exhibit 1, describes my professional credentials including other publications and prior testimony experience.

SCOPE OF RETENTION

4. I have been asked by Howrey LLP (“Counsel”), Counsel for Hologic, Inc., Cytoc Corporation (“Cytoc”), and Hologic L.P. (collectively, “Hologic”), to consider whether Hologic would suffer “irreparable harm” if SenoRx, Inc. (“SenoRx”) continued to market and sell its Contura Multi-Lumen Balloon (“Contura”). I also have been asked to review the *Declaration of Roy Weinstein in Support of Defendant SenoRx, Inc.’s Opposition to Plaintiffs’ Motion for a Preliminary Injunction* and to provide an opinion on the conclusions reached by Mr. Weinstein.

5. My opinions are based upon information available to me as of the date of this declaration. I, and professionals working under my direction, have relied upon and examined documents produced by the parties along with publicly available information. A listing of all documents considered is attached as Exhibit 2. I also held a discussion with Kevin McMahon, Hologic’s Vice-President of Sales and Marketing for Interventional Breast Solutions, in preparing this declaration.

6. I understand that discovery in this matter is ongoing and other new information may become available prior to trial. Therefore, I will be prepared to update my statements in the event that any new facts that may become known to me prior to or during trial impact my opinions and bases therefore.

PARTIES

7. Hologic, Inc. is “a diversified medical technologies company specializing in diagnostic imaging products and interventional devices dedicated to serving the healthcare needs of women.”¹ Hologic’s core business units focus on breast health, diagnostics, GYN surgical, and skeletal health.² The company develops and sells a variety of technologies and products for “mammography and breast biopsy, radiation treatment for early-stage breast cancer, cervical cancer screening, treatment for menorrhagia, osteoporosis assessment, preterm birth risk assessment, and mini C-arm for extremity imaging.”³

8. Cytyc is a “leading provider of innovative diagnostic and surgical products.”⁴ In October 2007, Cytyc Corporation joined Hologic, Inc. through a merger.⁵ One of Cytyc’s core surgical products, the MammoSite Radiation Therapy System (“MammoSite”), is a “single-use device for the treatment of early-stage breast cancer.”⁶

9. SenoRx seeks “to design, develop, manufacture and market minimally invasive devices for the diagnosis and treatment of breast cancer.”⁷ The company launched its Contura product in January 2008 as a “novel localized partial breast radiation therapy device....”⁸

10. Hologic has accused SenoRx of infringing certain U.S. patents and seeks to enjoin SenoRx from selling and/or offering to sell the Contura product.⁹

INDUSTRY BACKGROUND

11. It is my understanding that following the surgical removal of a cancerous lump from the breast, a procedure called lumpectomy, physicians often employ some type of radiation therapy to treat invisibly small amounts of breast cancer that might remain within the body in

¹ Hologic, Inc. Form 10-K for the fiscal year ended September 29, 2007, p. 3.

² <http://www.hologic.com/ir/index.cfm>, printed on April 7, 2008.

³ <http://www.hologic.com/ir/index.cfm>, printed on April 7, 2008.

⁴ Hologic 2007 Annual Report, Letter to Shareholders.

⁵ Hologic 2007 Annual Report, Letter to Shareholders.

⁶ Hologic, Inc. Form 10-K for the fiscal year ended September 29, 2007, p. 3.

⁷ <http://www.senorx.com/aboutsenrx.asp>, printed on April 7, 2008.

⁸ SenoRx, Inc. Form 10-K for the fiscal year ended December 31, 2007, p. 6.

⁹ Plaintiffs’ Notice of Motion and Motion for Preliminary Injunction, dated February 6, 2008, p. 3.

close proximity to the affected site.¹⁰ For some women with early-stage breast cancer the combined treatment of lumpectomy and radiation enables them to forgo more drastic surgical procedures, such as a mastectomy, while allowing them to experience much the same cure rate as if they had undergone a mastectomy. In fact, the combination of a lumpectomy and radiation has been the standard treatment for most women with early-stage breast cancer.¹¹

12. The standard of care with respect to the delivery of radiation is a process known as external beam radiation.¹² This standard is the most common way in which radiation is administered and has proven to be very effective since its first implementation. External beam radiation, however, can require the patient to endure treatments involving daily visits to a radiation oncology clinic for up to seven weeks.¹³

13. Within the last few years there have been significant advances in radiation treatment. These advancements allow physicians the opportunity to treat patients from within. One such example is breast brachytherapy, or accelerated partial breast irradiation (“APBI”). This treatment combats early-stage cancer recurrence following the removal of a cancerous tumor from the breast. Treatment occurs just a few centimeters from the tissue surrounding the area once occupied by the tumor. It is in this area that researchers have estimated that approximately 80 percent of breast cancer recurrences after lumpectomy occur.¹⁴

14. It is my understanding that breast brachytherapy typically involves multiple treatments (usually two treatments a day) over a period of five days. Brachytherapy treatment involves the placement of controlled radioactive material “seeds” into the lumpectomy cavity. The number of seeds, dosage, and placement of each seed are determined by specialized treatment planning software. This treatment prevents the exposure of healthy breast tissue, the chest wall, and vital organs to a blast of radiation from an external source.¹⁵

15. Despite the numerous positive benefits associated with breast brachytherapy, including its ability to be administered in an outpatient setting, external beam radiation has remained the standard of care for early-stage breast cancer. In fact, according to the American Society for Breast Surgeons and the American Brachytherapy Society, of the total number of

¹⁰ <http://columbia-stmarys.com/OPage.asp?PageID=OTH000160>, printed on April 7, 2008.

¹¹ <http://columbia-stmarys.com/OPage.asp?PageID=OTH000160>, printed on April 7, 2008.

¹² <http://columbia-stmarys.com/OPage.asp?PageID=OTH000160>, printed on April 7, 2008.

¹³ “Xoft, Inc., Announces Additional Funding For Breakthrough Electronic Brachytherapy Technology,” dated April 4, 2007, at http://www.frazierhealthcare.com/pdf/xoft_040507.pdf.

¹⁴ “High-Dose Brachytherapy Gaining Converts in War on Early Stage Breast Cancer,” dated August/September 2006, at http://new.reillycomm.com/outpatient/article_print.php?id=156, printed on April 2, 2008.

¹⁵ “High-Dose Brachytherapy Gaining Converts in War on Early Stage Breast Cancer,” dated August/September 2006, at http://new.reillycomm.com/outpatient/article_print.php?id=156, printed on April 2, 2008.

potential patients that are candidates for brachytherapy, only 10 percent of them are actually receiving the treatment.¹⁶

SUMMARY OF OPINIONS

16. In my opinion, if SenoRx is allowed to continue to market and sell its allegedly infringing Contura product within the market, Hologic will be damaged and will suffer irreparable harm.

17. Specifically, I have concluded, despite Mr. Weinstein's opinions to the contrary, that:

- Hologic will suffer damages that cannot be calculated with reasonable certainty at the date of trial;
- Hologic's willingness to license to Xofigo does not disprove its claim of irreparable harm;
- Hologic could suffer a loss of reputation and overall goodwill within the APBI market; and
- SenoRx has not demonstrated it has assets sufficient to pay the money judgment likely to be awarded in this matter.

BASIS AND REASONING

Hologic will suffer damages that cannot be calculated with reasonable certainty at the date of trial

18. According to Kevin McMahon, Vice-President of Sales and Marketing for Interventional Breast Solutions at Hologic, REDACTED

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19. REDACTED

REDACTED
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¹⁶ "High-Dose Brachytherapy Gaining Converts in War on Early Stage Breast Cancer," dated August/September 2006, at http://new.reillycomm.com/outpatient/article_print.php?id=156, printed on April 2, 2008.

¹⁷ Discussion with Kevin McMahon.

REDACTED

20. Mr. Weinstein states that “[w]ere any price declines attributable to SenoRx’s marketing of Contura to occur, Hologic would be able fully to restore MammoSite price levels following removal of Contura at the conclusion of trial.”¹⁹ Mr. Weinstein, though, provides no evidence or discussion to support this assertion. Furthermore, he does not address customers’ potential responses to such a price increase.

21. SenoRx has already distributed the Contura at below-market prices.²⁰ Late last year, it was reported to Hologic that SenoRx had sold Contura devices for between \$2,200 and \$2,500 to early adopters.²¹ More recently, independent market analyst Canaccord Adams reported that the Contura has a below-market average selling price (“ASP”), is providing early adopters with the device at no charge, and is swapping out inventory of competitor products, including the MammoSite, and/or paying restocking fees. Canaccord Adams predicts that these offsets will decline throughout the year, leaving an ultimate ASP in the \$2,500-\$2,700 range – below the current selling price of the MammoSite (\$2,750) and the current list price of the Contura (also \$2,750).²² Indeed, Canaccord Adams expects the ASP to remain below \$2,750 for 2008 and 2009.²³ REDACTED

¹⁸ Discussion with Kevin McMahon.

¹⁹ Declaration of Roy Weinstein in Support of Defendant SenoRx, Inc.’s Opposition to Plaintiffs’ Motion for a Preliminary Injunction, dated March 28, 2008, p. 10.

²⁰ Deposition of Glenn Magnuson, dated March 18, 2008, p. 142.

²¹ Deposition of Glenn Magnuson, dated March 18, 2008, pp. 142-143.

²² Canaccord Adams SenoRx Investment Research, dated February 19, 2008 (Bates # SRX-HOL00002353 – SRX-HOL00002358 at SRX-HOL00002353 – SRX-HOL00002354); Canaccord Adams SenoRx Investment Research, dated February 20, 2008 (Bates # SRX-HOL00002359 – SRX-HOL00002379 at SRX-HOL00002360 – SRX-HOL00002361).

²³ Canaccord Adams SenoRx Investment Research, dated February 20, 2008 (Bates # SRX-HOL00002359 – SRX-HOL00002379 at SRX-HOL00002366).

REDACTED

REDACTED

22. REDACTED

23. Indeed, price erosion is to be expected now that Hologic and SenoRx are competing. Before SenoRx's entry into the market, Hologic was the only significant supplier of balloon brachytherapy treatment. At that time, there was little, if any, downward pressure on price. With the introduction of the SenoRx Contura product, there are now two significant suppliers in the market. This naturally creates a downward pressure on price, as the two suppliers compete for the same customers.

24. I know of no way of predicting with reasonable certainty what price MammoSite will command after trial if SenoRx is permanently enjoined from selling Contura thereafter. Therefore, the magnitude of future harm to Hologic as of the date of trial cannot be projected or calculated with reasonable certainty.

Hologic's willingness to license to Xoft does not disprove its claim of irreparable harm

25. On August 13, 2007, Xoft Microtube, Inc.'s ("Xoft") and Cytac entered into a

REDACTED

26. REDACTED

²⁵ Declaration of Glenn Magnuson in Support of Plaintiffs' Motion for Preliminary Injunction, dated February 7, 2008, p. 9.

²⁶ Deposition of Glenn Magnuson, dated March 18, 2008, pp. 133-134.

²⁷ Discussion with Kevin McMahon.

²⁸ Settlement Agreement License, and Mutual Release between Cytac Corporation and Xoft, Inc., dated August 13, 2007 (Bates # HOLOGIC 0047845 – HOLOGIC 0047863).

²⁹ Declaration of Roy Weinstein in Support of Defendant SenoRx, Inc.'s Opposition to Plaintiffs' Motion for a Preliminary Injunction, dated March 28, 2008, pp. 13-14.

³⁰ Deposition of Roy Weinstein, dated April 4, 2008, pp. 51-52.

27. REDACTED

REDACTED

REDACTED

REDACTED However, I understand that administration of these techniques requires different equipment and, unlike Contura, are not easily substituted for MammoSite. Indeed, the only product that would presently compete directly with MammoSite is SenoRx's Contura.

28. I understand from my discussion with Mr. McMahon that REDACTED

REDACTED That number can be contrasted with the 1,000 or more that have purchased the MammoSite product.

29. Consequently, REDACTED

30. Because of the limited competition between Xofig and Hologic, the simple fact that Hologic has licensed the patents-in-suit does not compromise its competitive interests.

Hologic could suffer a loss of reputation and overall goodwill within the APBI market

31. Mr. Weinstein opines that the APBI market, and thus Hologic, will not suffer irreparable harm despite Contura's availability.³² However, unlike Xofig's Axxent (which is an electronic brachytherapy product), SenoRx's Contura product shares the same delivery method and utilizes the same equipment as MammoSite.³³ Any failing on the part of Contura may be ascribed to APBI technology generally and associated with the MammoSite product specifically.

32. Because MammoSite and Contura are comparable substitutes, any concerns expressed in the market about the Contura product relating to reliability or performance could irreparably harm the reputation of Hologic's patent technology in the eyes of its customers. Hologic and predecessor Proxima Therapeutics, Inc. ("Proxima") have REDACTED in the research, development, and marketing of MammoSite and the APBI market.³⁴ Hologic and Proxima "expended considerable effort and expense to educate breast surgeons and radiation oncologists about the MammoSite product, to analyze the clinical data that have been accumulating over the last five years of patient use, and to make further improvements to the

³¹ Hologic, Inc. 10-K for fiscal year ended September 29, 2007, p. 16.

³² Declaration of Roy Weinstein in Support of Defendant SenoRx, Inc.'s Opposition to Plaintiffs' Motion for a Preliminary Injunction, dated March 28, 2008, p. 15.

³³ Discussion with Kevin McMahon.

³⁴ Declaration of Glenn Magnuson in Support of Plaintiffs' Motion for Preliminary Injunction, dated February 7, 2008, p. 6.

MammoSite product.”³⁵ Training efforts have included sponsoring symposia and literature on MammoSite, training physicians on proper use of the MammoSite technology, and engaging in further research and development efforts.³⁶

33. Mr. Weinstein states “[i]f investing money to develop APBI products and educate physicians and the public about their use is what constitutes ‘creation and development’ of a market then SenoRx, Cianna Medical, and Xoft are also contributing to the development of the APBI market.”³⁷ However, MammoSite was first sold in 2002, while Contura was not commercially available until 2008. Therefore, SenoRx will face significantly lower hurdles in convincing users about the safety, efficacy, and functionality of the Contura product because of users’ familiarity with MammoSite. REDACTED

REDACTED In establishing a market for the MammoSite product, Hologic has expended significantly more resources than SenoRx.

34. The track record that Hologic has established through the previously discussed efforts for both the firm as an innovator and for MammoSite as a safe and less invasive treatment method could be threatened by the entry of a similar yet untested product. Regarding customer relationships, Mr. Weinstein states REDACTED

REDACTED If that goodwill and existing customer relationships are damaged, Hologic and the APBI market would suffer incalculable and irreparable harm.

SenoRx has not demonstrated it has assets sufficient to pay the money judgment likely to be awarded in this matter

35. Mr. Weinstein states in his declaration that “SenoRx has more than adequate assets to fund any damages payment.”⁴¹ He claims that the company has REDACTED

³⁵ Declaration of Glenn Magnuson in Support of Plaintiffs’ Motion for Preliminary Injunction, dated February 7, 2008, pp. 5-6.

³⁶ Declaration of Glenn Magnuson in Support of Plaintiffs’ Motion for Preliminary Injunction, dated February 7, 2008, p. 6.

³⁷ Declaration of Roy Weinstein in Support of Defendant SenoRx, Inc.’s Opposition to Plaintiffs’ Motion for a Preliminary Injunction, dated March 28, 2008, pp. 15-16.

³⁸ Deposition of William Gearhart (Rough Transcript), dated April 2, 2008, pp. 63-65.

³⁹ Deposition of Roy Weinstein, dated April 4, 2008, p. 41.

⁴⁰ Deposition of Roy Weinstein, dated April 4, 2008, pp. 102-103.

⁴¹ Declaration of Roy Weinstein in Support of Defendant SenoRx, Inc.’s Opposition to Plaintiffs’ Motion for a Preliminary Injunction, dated March 28, 2008, p. 12.

⁴² Declaration of Roy Weinstein in Support of Defendant SenoRx, Inc.’s Opposition to Plaintiffs’ Motion for a Preliminary Injunction, dated March 28, 2008, pp. 12-13.

While it is presently unclear what damages will be due to Hologic at the conclusion of trial, [REDACTED]
[REDACTED]
[REDACTED].

36. Additionally, SenoRx's financial statements, as well as Mr. Weinstein himself, confirm that SenoRx is operating at a loss.⁴³ [REDACTED]
[REDACTED]
[REDACTED]

Conclusion

37. Based upon the above reasons, I believe – contrary to Mr. Weinstein's opinion – that Hologic may be irreparably harmed by continuing sales by SenoRx of its Contura product.

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge.

Dated: April 7, 2008



Julie L. Davis

⁴³ Deposition of Roy Weinstein, dated April 4, 2008, pp. 123-124.

Exhibit 1

Julie L. Davis, CPA

20 North Wacker Drive – Suite 2150
Chicago, Illinois 60606

Tel: 312-506-1505

Fax: 312-506-1510

jdavis@dhllc.com

Employment

| | |
|-----------------------------|---|
| June 2003 – Present | Davis & Hosfield Consulting LLC – Principal |
| May 2002 – May 2003 | KPMG LLP – Partner-in-Charge, National Intellectual Property Practice |
| September 1991 – May 2002 | Andersen – Co-Managing Partner, Global Intellectual Asset Consulting Practice |
| November 1987 – August 1991 | Andersen – Chicago office: Senior Manager in Specialty Consulting |
| July 1978 – November 1987 | Touche Ross & Co. – Kansas City office: Audit practice |

Educational Background

| | |
|--------------------------|---|
| September 2000 | Inducted into Kansas State University Accounting Hall of Fame |
| July 1980 and subsequent | Certified Public Accountant (CPA) and licensed in California, Illinois, Kansas, Missouri, and Texas |
| May 1978 | Gold Key-State of Kansas CPA Examination (Highest score in state) |
| May 1978 | B.S. in Business Administration and Accounting Kansas State University Summa Cum Laude |

Litigation Consulting Experience

Testified at trial (bench and jury) and through deposition as expert witness.

Conducted complex damages studies involving lost sales, lost profits, incremental profits, manufacturing and marketing capacity, fixed and variable costs, product line profitability, price erosion, reasonable royalty, unjust enrichment and prejudgment interest.

Cases have involved patent, trademark, trade dress, trade secret and copyright infringement, antitrust, false advertising, dealership termination, fraudulent conveyance, breach of contract, professional malpractice, and other types of business disputes.

Industries have included apparel, aerospace, automotive, biotechnology, carpet, chemicals, computer hardware and software, construction, consumer products, electronics, financial institutions, food, hospitality, industrial equipment, internet, medical products, military equipment, office equipment, pharmaceuticals, power tools, real estate, sporting goods, and transportation.

Other Financial Consulting Experience

Assisted global companies with development of intellectual property strategy.

Developed competitive assessment capabilities for major consumer products company using patent portfolio analyses.

Directed analyses of a Fortune 50 company's portfolio of over 25,000 patents, including review of prosecution and maintenance fees, trends, and patent department processes.

Assisted with licensing analyses, including whether the company should license its intellectual property and at what rates.

Supervised review of royalty payments for compliance with license agreements.

Directed and performed independent financial audits of private and publicly held companies ranging from manufacturing enterprises to financial institutions.

Developed insurance claims for business interruption losses in such industries as retail, processing, hospitality, fine arts, and professional services.

Performed due diligence services for potential acquisitions in the cosmetics and automotive parts industries.

Assisted consumer products company with analysis of operations and purchasing practices to improve productivity and profitability.

Developed and implemented comprehensive turnaround plan for national wholesale grocer experiencing financial crisis.

Investigated numerous fraud and negligence claims related to failed savings and loans.

Membership in Trade Associations

American Institute of Certified Public Accountants

Illinois CPA Society – past Chairperson of statewide Litigation Services Committee

American Bar Association

Licensing Executives Society

Publications

Edison in the Boardroom: How Leading Companies Realize Value from Their Intellectual Assets – Julie L. Davis, Suzanne S. Harrison – Wiley/Andersen Intellectual Capital Series, June 2001. (Also translated into Chinese and Japanese.)

“Tapping Into Your Company's Hidden Resources” – *U.S. Industry Today*, July 1999.

“An Update on Patent Damages – A Closer Look at Lost Profits and Reasonable Royalty Decisions from 1982 through June 1998” – *Licensing Law and Business Report*, January-February 1999 (Vol. 21, No. 1).

“Emerging Trends in Patent Infringement Damage Awards 1982-June 1997” – *Intellectual Property Infringement Damages*, 1999, Chapter 14.

“Using Your IP to Increase Shareholder Value” – *Managing Intellectual Property*TM, Patent Yearbook 1998.

“Emerging Trends in Patent Infringement Damage Awards” – *Intellectual Property Infringement Damages*, 1998 Cumulative Supplement, Chapter 1.4A.

“Reaching for the Sky and Beyond” – *Managing Intellectual Property*TM, March 1997 (Issue 67). Provided summary of damages cases and related data only.

“Patent Infringement Damages Awards” – *Licensing Law and Business Report*, May-June, 1995 (Vol. 17, No. 7).

“An Historical Look at Patent Infringement Damage Awards” – *Intellectual Property Infringement Damages*, 1995 Cumulative Supplement, Chapter 1.4A.

Julie L. Davis
Testimony Experience

| <i>Lawsuit</i> | <i>Court</i> | <i>Law Firm</i> | <i>Type</i> | <i>Testimony</i> |
|--|---|--|---|---|
| <u>United States Gypsum Company v. Lafarge North America, Inc., et al.</u> Civil Action No. 03-CV-6027 | U.S. District Court for the Northern District of Illinois, Eastern Division | Leydig, Voit & Mayer, Ltd. | Patent infringement and trade secret misappropriation | Dep: 2007 Report(4): 2007, 2008 |
| <u>3M Company and 3M Innovative Properties Company v. Vita Zahnfabrik H. Rauter GmbH & Co. KG and Vident, Inc.</u> Case No. 0:05-CV-01875 ADM/JJG | U.S. District Court of Minnesota | Fish & Richardson P.C. | Patent infringement | Report: 2008 |
| <u>Herman Miller, Inc. v. Teknion Corporation and Okamura Corporation</u> Civil Action No. 05-CV-2761 | U.S. District Court Northern District of Illinois, Eastern Division | Howrey LLP Michael Best & Friedrich LLP | Patent infringement | Dep: 2008 Report: 2008 |
| <u>Auction Management Solutions, Inc. v. Manheim Auctions, Inc., et al.</u> <u>Auction Management Solutions, Inc. v. ADESA, Inc.</u> Case Nos. 1:05-CV-0639 and 1:05-CV-0638 | U.S. District Court for the Northern District of Georgia, Atlanta Division | Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. | Patent infringement | Report: 2008 |
| <u>Taurus IP, LLC v. DaimlerChrysler Corporation, et al.</u> Civil Action No. 07-C-158-C | U.S. District Court for the Western District of Wisconsin | Kilpatrick Stockton LLP | Patent infringement | Dep: 2008 Report(2): 2008 |
| <u>Repligen Corporation</u> and The Regents of the University of Michigan v. Bristol-Myers Squibb Company Case No. 2:06-CV-004-TJW | U.S. District Court for the Eastern District of Texas, Marshall Division | Fish & Richardson PC | Patent infringement | Dep: 2008 Report: 2007 |
| <u>Honeywell International Inc. and Honeywell Intellectual Properties Inc. v. Universal Avionics Systems Corp. and Sandel Avionics, Inc.</u> Civil Action No. 02-359-MPT | U.S. District Court for the District of Delaware | Kirkland & Ellis LLP and Mayer, Brown, Rowe & Maw LLP | Patent infringement and antitrust | Trial: 2003 Dep: 2003 Report(5): 2003, 2008 |
| <u>PUMA AG Rudolf Dassler Sport and PUMA North America v. Payless Shoesource, Inc. and Payless Shoesource Worldwide, Inc.</u> Civil Action No. 06-cv-11943 | U.S. District Court for the District of Massachusetts | Kilpatrick & Lockhart Preston Gates Ellis LLP | Trademark infringement | Report: 2008 |
| <u>Solvay, S.A. v. Honeywell Specialty Materials, LLC and Honeywell International Inc.</u> Case No. 06-557-SLR | U.S. District Court for the District of Delaware | Kirkland & Ellis LLP | Patent infringement | Dep: 2008 Report(2): 2007 |
| <u>Rowe International Corp. and Arachnid, Inc. v. Ecast Inc., Rock-Ola Manufacturing Corp., and View Interactive Entertainment Corp.</u> Case No.: 1:06-cv-02703 | U.S. District Court for the Northern District of Illinois, Eastern Division | Dickstein Shapiro LLP | Patent infringement | Dep: 2008 Report(3): 2007 |
| <u>Abbott Diabetes Care Inc. and Abbott Laboratories v. Roche Diagnostics Corp., Roche Diagnostics Operations, Inc. and Bayer Healthcare LLC</u> Case No.: C05-3117 MJJ | U.S. District Court for the Northern District of California | Barnes & Thornburg LLP | Patent infringement | Dep: 2008 Report: 2007 |

Julie L. Davis
Testimony Experience

| <i>Lawsuit</i> | <i>Court</i> | <i>Law Firm</i> | <i>Type</i> | <i>Testimony</i> |
|--|---|--|--|---|
| <u>Volumetrics Medical Imaging LLC v. GE Healthcare, Ltd., GE Medical Systems, Inc., GE Medical Systems, L.L.C., GE Medical Systems Kretztechnik GMBH & Co. OHG, Toshiba America Medical Systems, Inc., Medison America, Inc., and Siemens Medical Solutions USA, Inc.</u> Civil Action No. 1:05CV00955 | U.S. District Court for the Middle District of North Carolina | McDermott, Will & Emery LLP | Patent infringement | Report: 2007 |
| <u>Kathleen Adams and Snap-Saver, LLC v. Newell Rubbermaid Inc. and Target Corporation</u> Civil Action No. 07 C 0313 S | U.S. District Court for the Western District of Wisconsin | Schiff Hardin LLP | Patent infringement | Report: 2007 |
| <u>O’Gara-Hess & Eisenhardt Armoring Company, L.L.C.</u> v. Paul Bartock and Ibis Tek, LLC and Thomas G. Buckner and John P. Buckner Case No. CV 2006 04 1157 | Common Pleas Court of Butler County, Ohio | Sebaly Shillito and Dyer | Trade secret | Dep: 2007 Report(2): 2007 |
| <u>Pergo, Inc. and Pergo (Europe) AB v. Alloc, Inc., Armstrong World Industries, Inc. and Berry Finance NV</u> Civil Action No. 02-CV-0736V | U.S. District Court for the Eastern District of Wisconsin | Baker & McKenzie | Patent infringement | Trial: 2007 Dep: 2007 Report: 2007 |
| <u>Intermatic Incorporated</u> v. TayMac Corporation Civil Action No. 00-CV-50224 | U.S. District Court for the Northern District of Illinois, Western Division | Brinks Hofer Gilson & Lione | Patent infringement | Report(2): 2001, 2007 |
| <u>Johnson Controls, Inc.</u> v. InnerWireless, Inc. Arbitration No. 51 181 Y 284 07 | American Arbitration Association | Banner & Witcoff, Ltd. | Breach of Contract | Dep: 2007 Report(2): 2007 |
| <u>Medinol Ltd.</u> against Boston Scientific Corp., et al. WIPOA200206 | World Intellectual Property Organization | Cravath Swaine & Moore LLP | Patent infringement | Arbitration: 2007 Dep: 2007 Report(2): 2007 |
| <u>Spectralytics, Inc.</u> v. Cordis Corporation and Norman Noble, Inc. Civil Action No. 05-1464 (PJS/RLE) | U.S. District Court for the District of Minnesota | Carlson, Caspers, Vandenburg & Lindquist | Patent infringement | Dep: 2007 Report: 2007 |
| <u>Donaldson Company, Inc.</u> v. Baldwin Filters Inc. Civil Action No. 04-2679 | U.S. District Court for the District of Minnesota | Merchant & Gould | Patent infringement | Dep: 2007 Report(2): 2007 |
| <u>3M Company and 3M Innovative Properties Company</u> v. Kerr Corporation Case No. 07-C-0087-C | U.S. District Court for the Western District of Wisconsin | Kirkland & Ellis LLP | Patent infringement | Report(2): 2007 |
| <u>Calphalon Corporation</u> v. Meyer Corporation, U.S. Case No. 2:05-CV-00971-WBS-DAD | U.S. District Court Eastern District of California, Sacramento Division | Sheppard, Mullin, Richter & Hampton LLP | Patent infringement and unfair competition | Trial: 2007 Dep: 2006 Report(2): 2006, 2007 |
| <u>911EP, Inc.</u> v. Whelen Engineering Company, Inc. and Tomar Electronics, Inc. Case No. 2-05 CV-137 | U.S. District Court for the Eastern District of Texas, Marshall Division | McKool Smith | Patent infringement | Report: 2007 |

Julie L. Davis
Testimony Experience

| <i>Lawsuit</i> | <i>Court</i> | <i>Law Firm</i> | <i>Type</i> | <i>Testimony</i> |
|---|---|---|--|---|
| <u>Atlanta Attachment Company</u> v. Leggett & Platt, Inc. Civil Action File No. 1:05-cv-01071-ODE | U.S. District Court for the Northern District of Georgia, Atlanta Division | Troutman Sanders LLP | Patent infringement and breach of contract | Trial: 2007 Dep: 2006 Report(2): 2005, 2007 |
| <u>Through the Country Door, Inc.</u> v. J.C. Penney Company, Inc., et al. Case No. 06-C-0540 | U.S. District Court for the Western District of Wisconsin, Madison Division | Barnes & Thornburg LLP | Copyright infringement | Report: 2007 |
| <u>Honeywell International and Honeywell Intellectual Properties Inc.</u> v. The United States, et al. No. 02-1909C | U.S. District Court of Federal Claims | Paul, Hastings, Janofsky & Walker LLP | Patent infringement | Trial: 2007 Dep: 2007 Report(3): 2006, 2007 |
| Textron Innovations Inc. v. <u>The Toro Company</u> Civil Action No. 05-486 (GMS) | U.S. District Court for the District of Delaware | Merchant & Gould | Patent infringement | Dep: 2007 Report(2): 2007 |
| <u>DE Technologies, Inc.</u> v. Dell Inc. Civil Action No. 7:04 CV 00628 | U.S. District Court for the Western District of Virginia | Robins, Kaplan, Miller & Ciresi L.L.P. | Patent infringement | Dep: 2007 Report: 2006 |
| Cummins-Allison Corp. v. <u>Glory Ltd., Glory Shoji Co., Ltd. and Glory (U.S.A.) Inc.</u> Civil Action No. 02 C 7008 | U.S. District Court for the Northern District of Illinois, Eastern Division | Hogan & Hartson LLP | Patent infringement | Report(2): 2004, 2006 |
| The Holmes Group, Inc. v. <u>West Bend Housewares, LLC and Focus Products Group, LLC</u> Civil Action No. 05-CV-11367 WGY | U.S. District Court for the District of Massachusetts | Michael Best & Friedrich LLP | Patent infringement | Report(2): 2006 |
| <u>Novozymes A/S</u> v. Genencor International, Inc. and Enzyme Development Corporation Civil Action No. 05-160-KAJ | U.S. District Court for the District of Delaware | Darby & Darby PC | Patent infringement | Trial: 2006 Dep: 2006 Report(2): 2006 |
| <u>One World Technologies, Ltd. and Ryobi Technologies, Inc.</u> v. Robert Bosch Tool Corporation. Rexon Industrial Corp., Ltd., Rexon USA, Corp., and Power Tool Specialists, Inc. Civil Action No. 04 C 0833 | U.S. District Court for the Northern District of Illinois, Eastern Division | Brinks Hofer Gilson & Lione, P.C. | Patent infringement | Dep: 2006 Report: 2006 |
| InLine Connection Corporation v. <u>AOL Time Warner Incorporated</u> and America Online, Inc. Civil Action No. 02-272 | U.S. District Court for the District of Delaware | Latham & Watkins LLP | Patent infringement | Dep: 2006 Report: 2006 |
| Archer Daniels Midland Company v. <u>Vogelbusch U.S.A., Inc. and UOP LLC</u> Case No. 98L 008240 | Circuit Court of Cook County, Illinois County Department, Law Division | Winston & Strawn LLP and McDermott Will & Emery LLP | Breach of implied warranty | Trial: 2006 Dep: 2004 Report: 2004 |
| Maytag Corporation v. <u>Electrolux Home Products, Inc.</u> , d/b/a Frigidaire Civil Action No. C 04-4067-MWB | U.S. District Court for the Northern District of Iowa, Western Division | Alston & Bird LLP | Patent infringement | Dep: 2006 Hearing: 2006 Report(2): 2006 |

Julie L. Davis
Testimony Experience

| <i>Lawsuit</i> | <i>Court</i> | <i>Law Firm</i> | <i>Type</i> | <i>Testimony</i> |
|---|---|---|-------------------------------------|------------------------------------|
| <u>One World Technologies, Ltd. and Ryobi Technologies, Inc.</u> v. Rexon Industrial Corp., Ltd., Rexon USA, Corp., Power Tool Specialists, Inc., Porter-Cable Corp., Delta International Machinery Corp., and Pentair, Inc. Civil Action No. 04C-4337 | U.S. District Court for the Northern District of Illinois, Eastern Division | Brinks Hofer Gilson & Lione, P.C. | Patent infringement | Dep: 2005 Report(2): 2005, 2006 |
| <u>OPTi Inc.</u> v. nVidia Corporation Civil Action No. 2-04CV-377 | U.S. District Court for the Eastern District of Texas, Marshall Division | Winston & Strawn LLP | Patent infringement | Report: 2006 |
| <u>Medinol Ltd.</u> v. Guidant Corporation and Advanced Cardiovascular Systems, Inc. Civil Action No. 03 Civ. 2604 (SAS) | U.S. District Court for the Southern District of New York | Cravath, Swaine & Moore LLP and Morgan & Finnegan, L.L.P. | Patent infringement | Dep: 2005 Report(2): 2004, 2006 |
| <u>Alcon Manufacturing, Ltd. and Alcon Laboratories, Inc.</u> v. Advanced Medical Optics, Inc. Civil Action No. 4-05CV-496-A | U.S. District Court for the Northern District of Texas, Fort Worth Division | Rader, Fishman & Grauer PLLC | Patent infringement | Dep: 2006 Report: 2006 |
| <u>International Truck and Engine Corporation</u> v. Kile International Trucks, Inc. Case No. 2004L000580 | Circuit Court of Eighteenth Judicial Circuit, DuPage County, Illinois, Law Division | Seyfarth Shaw LLP | Breach of contract | Dep: 2006 Report(2): 2005 |
| Versus Technology, Inc. v. <u>Radianse, Inc.</u> Civil Action No. 04-1231 | U.S. District Court for the District of Delaware | Lahive & Cockfield LLP | Patent infringement | Dep: 2006 Report: 2005 |
| PowerOasis, Inc. and PowerOasis Networks, LLC v. <u>Wayport, Inc.</u> Civil Action No. 04-12023 RWZ | U.S. District Court for the District of Massachusetts | Wilmer Cutler Pickering Hale & Dorr LLP | Patent infringement | Dep: 2006 Report: 2005 |
| Cummins-Allison Corp. v. <u>Glory Ltd., Glory Shoji Co., Ltd. and Glory (U.S.A.), Inc.</u> Civil Action No. 2-03-CV-358 (TJW) | U.S. District Court for the Eastern District of Texas, Marshall Division | Hogan & Hartson LLP | Patent infringement | Dep: 2005 Report(2): 2005, 2006 |
| Mandy N. Haberman v. <u>Playtex Products Inc.</u> , Gerber Products Company and Wal-Mart Stores, Inc. Civil Action No. 05-C-0224-S | U.S. District Court for the Western District of Wisconsin | Latham & Watkins LLP | Patent infringement | Dep: 2005 Report: 2005 |
| <u>SMART Technologies Inc.</u> v. Polyvision Corporation and Paragram Sales Company, Inc. Civil Action No. 1:04-cv-0713 | U.S. District Court for the Western District of Michigan, Southern Division | Katten Muchin Rosenman LLP | Patent infringement | Report(2): 2005 |
| <u>Kmart Corporation</u> v. Capital One Bank, Capital One F.S.B., Capital One Services, Inc. Case No. 03-055092-CK | State of Michigan Circuit Court for the County of Oakland | Kirkland & Ellis LLP | Breach of contract and trade secret | Dep: 2005 |
| PolyVision Corporation v. <u>SMART Technologies Inc. and SMART Technologies Corporation</u> Civil Action No. 1:03-cv-0476 | U.S. District Court for the Western District of Michigan, Southern Division | Katten Muchin Rosenman LLP | Patent infringement | Report: 2005 |

Julie L. Davis
Testimony Experience

| <i>Lawsuit</i> | <i>Court</i> | <i>Law Firm</i> | <i>Type</i> | <i>Testimony</i> |
|---|--|--|--------------------------------------|---|
| Solutions for Women, LLC v. <u>Warner Health Care, Inc., Berkeley Premium Nutraceuticals, Inc.</u> and Vitaquest International, Inc. d/b/a Garden State Nutritionals, Inc. Case No. CV04-10357 JFW (RCX) | U.S. District Court for the Central District of California, Western Division | Wood, Heron and Evans LLP | Patent infringement and trade secret | Report: 2005 |
| <u>Flexi-Mat Corporation</u> v. Dallas Manufacturing Company, Inc., BJ's Wholesale Club, Inc., and Daskocil Manufacturing Company, Inc. Civil Action No. 04 10162 DPW | U.S. District Court for the District of Massachusetts | Michael Best & Friedrich LLP | Patent infringement | Dep: 2005 Report: 2005 |
| <u>Morton Grove Pharmaceuticals, Inc.</u> v. Pharmaceutical Resources, Inc. and Par Pharmaceuticals, Inc. Civil Action No. 04 C 7007 | U.S. District Court for the Northern District of Illinois, Eastern Division | Winston & Strawn LLP | Patent infringement | Dep: 2005 Report: 2005 |
| Windy City Innovations, LLC v. <u>America Online, Inc.</u> Civil Action No. 04 C 4240 | U.S. District Court for the Northern District of Illinois, Eastern Division | Banner & Witcoff, Ltd. | Patent infringement | Dep: 2005 Report: 2005 |
| <u>Amersham PLC, et al.</u> v. Applera Corporation's Applied Biosystems Division File No. G-04-40 | Center for Public Resources Institute for Dispute Resolution | Howrey LLP | Breach of license agreement | Arbitration: 2005 Dep: 2005 Report: 2005 |
| <u>Honeywell International Inc. and Honeywell Intellectual Properties Inc.</u> v. Hamilton Sundstrand Corp. Civil Action No. 03-1153 | U.S. District Court for the District of Delaware | Kirkland & Ellis LLP | Patent infringement | Trial: 2005 Dep(2): 2005 Report(2): 2005 |
| Advanced Medical Optics, Inc. v. <u>Alcon Laboratories, Inc. and Alcon Manufacturing Ltd.</u> Civil Action No. 03-1095-KAJ | U.S. District Court for the District of Delaware | Kirkland & Ellis LLP | Patent infringement | Trial: 2005 Dep: 2004 Report(4): 2004, 2005 |
| <u>Unimed Pharmaceuticals, Inc. and Laboratories Besins Iscovesco</u> v. Watson Pharmaceuticals, Inc. <u>Unimed Pharmaceuticals, Inc. and Laboratories Besins Iscovesco</u> v. Paddock Laboratories, Inc. Case Nos. 1:03-CV-2501 and 1:03-CV-2503 | U.S. District Court for the Northern District of Georgia, Atlanta Division | Mayer, Brown, Rowe & Maw LLP | Patent infringement | Dep: 2005 Report: 2005 |
| Deere & Company v. <u>The Toro Company</u> Civil Action No. 99-4100 | U.S. District Court for the Central District of Illinois, Rock Island Division | Merchant & Gould | Patent infringement | Arbitration: 2005 Dep: 2004 Report(3): 2001, 2004, 2005 |
| Dr. Marc L. Kozam, d/b/a MLK SOFTWARE and DATASCI, LLC v. <u>Phase Forward Incorporated and Quintiles Inc.</u> Civil Action No. 04-CV-1787 (MJG) | U.S. District Court, District of Maryland, Greenbelt Division | Kilpatrick & Lockhart Nicholson Graham LLP | Patent infringement | Dep: 2005 Report: 2005 |
| <u>Travel Tags, Inc.</u> v Digital Replay, Inc. Case No. 02-4726 MJD/JGL | U.S. District Court for the District of Minnesota | Merchant & Gould, P.C. | Patent infringement | Dep: 2005 Report: 2004 |

Julie L. Davis
Testimony Experience

| <i>Lawsuit</i> | <i>Court</i> | <i>Law Firm</i> | <i>Type</i> | <i>Testimony</i> |
|---|---|---|------------------------|---|
| Mars, Inc., et al. v. <u>H.J. Heinz Co., LP</u> <u>Heinz Management Co., and Del Monte Corporation</u> Case No. CV-01-10961 RGK | U.S. District Court for the Southern District of California, Western Division | Covington & Burling and Kirkland & Ellis LLP | Patent infringement | Trial: 2005 Dep: 2003 Report(3): 2003, 2004 |
| <u>Rodeo Cold Marketing Company and Wyoming West Designs LLC</u> v. Coors Brewing Company Case No. Civ: F-03-5280-AWI DLB | U.S. District Court for the Eastern District of California | Featherstone DeSisto LLP | Trademark infringement | Dep: 2004 Report(2): 2004, 2005 |
| Richard J. Ditzik v. <u>Planar Systems, Inc.</u> , et al. Civil Action No. 03 – 74043 | U.S. District Court for the Eastern District of Michigan, Southern Division | Shaw Pittman LLP | Patent infringement | Report: 2005 |
| Savient Pharmaceuticals, Inc., et al. v. <u>Duramed Pharmaceuticals, Inc. and Barr Laboratories, Inc.</u> Civil Action No. 00-4509-DMC | U.S. District Court District of New Jersey | Winston & Strawn LLP | Patent infringement | Dep: 2004 Report: 2004 |
| <u>3M Innovative Properties Company and 3M Company</u> v. Dentsply International, Inc. Civil Action No. 04 C 0564 S | U.S. District Court for the Western District of Wisconsin | Kirkland & Ellis LLP | Patent infringement | Dep: 2004 Report(2): 2004 |
| <u>Honeywell International Inc. and Honeywell Intellectual Properties Inc.</u> v. Universal Avionics Systems Corp. and Sandel Avionics, Inc. Civil Action No. 03-242-MPT | U.S. District Court for the District of Delaware | Kirkland & Ellis LLP and Mayer, Brown, Rowe & Maw LLP | Patent infringement | Trial: 2004 Dep: 2004 Report(4): 2004 |
| <u>QinetiQ Limited</u> v. Samsung Telecommunications America, L.P. Civil Action No. 2-03CV-221 | U.S. District Court for the Eastern District of Texas, Marshall Division | Latham & Watkins LLP | Patent infringement | Trial: 2004 Report: 2004 |
| <u>Dow AgroSciences LLC</u> v. Crompton Corporation and Uniroyal Chemical Company, Inc. Civil Action No. 1:03-CV-0654-SEB-JPG | U.S. District Court Southern District of Indiana, Indianapolis Division | Barnes & Thornburg LLP | Patent infringement | Dep: 2004 Report: 2004 |
| Collaboration Properties, Inc. v. <u>Polycom Inc.</u> and <u>Polycom, Inc.</u> v. Collaboration Properties, Inc. and Avistar Communications Corp. Case No. C02-49591 | U.S. District Court for the Northern District of California, San Francisco Division | Keker & Van Nest LLP | Patent infringement | Report: 2004 |
| Yoon Ja Kim v. <u>ConAgra Foods, Inc.</u> Civil Action No. 01 CV 2467 | U.S. District Court for the Northern District of Illinois, Eastern Division | Bingham McCutchen LLP | Patent infringement | Trial: 2004 Report(2): 2003, 2004 |
| PSN Illinois, LLC v. <u>Oil-Dri Corporation of America</u> Civil Action No. 04C 0915 | U.S. District Court for the Northern District of Illinois | Wildman, Harrold, Allen & Dixon LLP | Patent infringement | Report: 2004 |
| Motorola, Inc. v. <u>Analog Devices, Inc.</u> Civil Action No. 1:03-CV-0131 | U.S. District Court Eastern District of Texas, Beaumont Division | Wilmer Culter Pickering Hale and Dorr LLP | Patent infringement | Dep: 2004 Report(3): 2004 |

Julie L. Davis
Testimony Experience

| <i>Lawsuit</i> | <i>Court</i> | <i>Law Firm</i> | <i>Type</i> | <i>Testimony</i> |
|---|---|---|--|---|
| Syngenta Seeds, Inc. v. Monsanto Company, et al., <u>Pioneer Hi-Bred, et al.</u> Civil Action No. 02-1331 (SLR) | U.S. District Court for the District of Delaware | Kaye Scholer LLP | Patent infringement | Dep: 2004 Report: 2004 |
| <u>Pinpoint Incorporated</u> v. Amazon.com Inc., et al. Civil Action No. 03C-4954 | U.S. District Court for the Northern District of Illinois, Eastern Division | Bartlit Beck Herman Palenchar & Scott LLP | Patent infringement | Dep: 2004 Report(3): 2004 |
| Riverwood International Corporation v. <u>R.A. Jones & Company, Inc.</u> No. 1:98-CV-2840-BBM | U.S. District Court for the Northern District of Georgia, Atlanta Division | Wood, Herron & Evans, LLP and Powell, Goldstein, Frazer & Murphy, LLP | Patent infringement | Trial: 2001 Dep: 2001 Report(2): 2001, 2004 |
| <u>Do It Best Corp.</u> v. Passport Software, Inc. Case No. 01 C 7674 | U.S. District Court for the Northern District of Illinois, Eastern Division | Barnes & Thornburg LLP | Copyright infringement | Dep: 2004 Report: 2004 |
| <u>Arthur D. Little Enterprises, Inc.</u> and The Gillette Company Civil Action No. 11 133 00735 00 | American Arbitration Association Northeast Case Management Center Riverside, Rhode Island | Morgan & Finnegan and Niro, Scavone, Haller & Niro | Licensing dispute | Dep: 2002 Report(2): 2001, 2004 |
| Milliken & Company v. <u>Interface, Inc., et al.</u> Civil Action No. 7:02-3633-20 | U.S. District Court for the District of South Carolina, Spartanburg Division | Kilpatrick Stockton LLP | Patent infringement | Trial: 2004 Dep: 2003 Report(4): 2003 |
| <u>Haggerty Enterprises, Inc.</u> v. Creative Motion Industries, Inc. Case No. 02C 8578 | U.S. District Court for the Northern District of Illinois, Eastern Division | Michael Best & Friedrich LLP | Trademark and trade dress infringement | Report: 2004 |
| <u>Sanyo Energy (USA) Corporation</u> v. BYD Company Limited Case No. 02-CV01900B (JMA) | U.S. District Court for the Southern District of California | Hogan & Hartson LLP | Patent infringement | Dep: 2004 Report: 2004 |
| Loeering Mfg. Inc. v. <u>Grouser Products, Inc. and Ronald J. Hoffart</u> Civil Action No. A3-02-008 | U.S. District Court for the District of North Dakota, Southeastern Division | Merchant & Gould | Patent infringement | Dep: 2004 Report(2): 2003, 2004 |
| Rambus, Inc. v. <u>Infineon Technologies AG, et al.</u> Civil Action No. 3:00CV524 | U.S. District Court for the Eastern District of Virginia | Kirkland & Ellis LLP | Patent infringement, antitrust, breach of contract, fraud and RICO | Dep: 2001 Report(4); 2000, 2001, 2004 |
| <u>Waters Technologies Corporation, et al.</u> v. Applera Corporation Civil Action No. 02-1285-GMS | U.S. District Court for the District of Delaware | Shaw Pittman LLP | Patent infringement | Dep: 2003 Report(2): 2003, 2004 |
| <u>United States Filter Corporation</u> v. Met-Pro Corporation Civil Action No. 02-1491-GMS | U.S. District Court for the District of Delaware | Hale and Dorr LLP | Patent infringement | Report: 2003 |
| John Mezzalingua Associates, Inc. d/b/a PPC, Inc. v. <u>Arris International, Inc.</u> Civil Action No. 03 C 0353 C | U.S. District Court for the Western District of Wisconsin | Bartlit Beck Herman Palenchar & Scott | Patent infringement | Trial: 2003 Dep: 2003 Report(3): 2003 |

Julie L. Davis
Testimony Experience

| <i>Lawsuit</i> | <i>Court</i> | <i>Law Firm</i> | <i>Type</i> | <i>Testimony</i> |
|---|---|--|---|--|
| T. Andrew Janes v. <u>Bose Corporation</u> Civil Action No. 02C3886 | U.S. District Court for the Northern District of Illinois, Eastern Division | Fish & Richardson | Patent infringement | Report: 2003 |
| <u>Johnson Controls Technology Company and Johnson Controls Interiors, L.L.C.</u> v. Donnelly Corporation Case No. 1:02-CV-419 | U.S. District Court for the Western District of Michigan | Foley & Lardner | Patent infringement | Report: 2003 |
| France Telecom, et al. and <u>RSA Security Inc.</u> Arbitration No. 11899/DB | International Chamber of Commerce, International Court of Arbitration, Paris, France | Testa, Hurwitz & Thibeault, LLP | Breach of license agreement | Arbitration: 2003 Report: 2003 |
| In re: Application of: Curt H. Appelgren, et al. | U.S. Patent and Trademark Office | Fitzpatrick, Cella, Harper & Scinto | Patent application | Declaration: 2003 |
| Clinical Center Pharmacy, et al. v. <u>IMS Health Incorporated, et al.</u> Case No. 94-L-654 | U.S. Circuit Court, Twentieth Judicial Circuit, St. Clair County, Illinois | Mayer, Brown, Rowe & Maw | Trade secret | Dep: 2003 Report: 2003 |
| Tanox, Inc. and <u>Genentech, Inc.</u> Civil Action No. 74 Y181 01113 99 | American Arbitration Association International Center for Dispute Resolution, San Francisco, California | Latham & Watkins | Trade secret, breach of contract and unfair competition | Arbitration: 2003 Dep: 2002 Report: 2002 |
| Leon Stambler v. <u>RSA Security Inc.</u> , VeriSign Inc., First Data Corporation, Openwave Systems, Inc., OmniSky Corporation, and Certicom Corp. Civil Action No. 01-0065 | U.S. District Court for the District of Delaware | Hale and Dorr LLP | Patent infringement | Dep: 2003 Report(2): 2002, 2003 |
| Susan M. Maxwell v. <u>Meijer, Inc., et al.</u> Civil Action No. IP95-870-C-Y/F | U.S. District Court for the Southern District of Indiana | Baker & Daniels | Patent infringement | Report: 2002 |
| <u>Honeywell International Inc. and Honeywell Intellectual Property Inc.</u> v. Solutia, Inc. Civil Action No. 01-423 | U.S. District Court for the District of Delaware | Kirkland & Ellis LLP | Patent infringement | Report: 2002 |
| <u>BorgWarner Inc. and BorgWarner TorqTransfer Systems Inc.</u> v. New Venture Gear Inc. No. 00-C-7470 | U.S. District Court for the Northern District of Illinois, Eastern Division | Brinks Hofer Gilson & Lione | Patent infringement | Dep: 2002 Report: 2002 |
| ACTV, Inc. and HyperTV Networks, Inc. v. <u>The Walt Disney Co., ABC, Inc. and ESPN, Inc.</u> Civil Action No. 00CIV 9622 JSR | U.S. District Court for the Southern District of New York | Weil, Gotshal & Manges LLP | Patent infringement | Dep: 2002 Report: 2002 |
| <u>Hill-Rom, Inc.</u> v. Ohmeda Medical, Inc. No. C.A. IP001500-CY/G | U.S. District Court for the Southern District of Indiana, Indianapolis Division | Barnes & Thornburg | Patent infringement | Dep: 2002 Report(2): 2002 |

Julie L. Davis
Testimony Experience

| <i>Lawsuit</i> | <i>Court</i> | <i>Law Firm</i> | <i>Type</i> | <i>Testimony</i> |
|---|---|---|---|---|
| <u>Bancorp Services, L.L.C. v. Hartford Life Insurance Company and International Corporate Marketing Group, Inc.</u> No. 4:00-CV-0070 | U.S. District Court for the District of Missouri, Eastern Division | Akin, Gump, Strauss, Hauer & Feld, LLP | Patent infringement and trade secret | Trial: 2002 Dep: 2001 |
| <u>Pechiney Plastic Packaging, Inc. v. Continental PET Technologies, Inc.</u> Civil Action No. B90-558 (EBB) | U.S. District Court for the District of Connecticut | Akin, Gump, Strauss, Hauer & Feld, LLP | Patent infringement | Dep: 2002 Report: 2002 |
| <u>TV/Com International, Inc. v. MediaOne of Greater Florida, Inc., Canal Plus Technologies S.A., Canal Plus US Technologies, Inc. and Société Européenne de Contrôle d' Accès</u> No. 3:00-CV-1045-J-21 A | U.S. District Court for the Middle District of Florida, Jacksonville Division | Oblon, Spivak, McClelland, Maier & Neustadt | Patent infringement | Report: 2001 |
| <u>Residential Funding Corporation v. DeGeorge Financial Corp., et al.</u> No. 3:00CV202 (JBA) | U.S. District Court for the District of Connecticut | Bartlit Beck Herman Palenchar & Scott | Breach of contract and unfair trade practices | Trial: 2001 Dep: 2001 Report: 2001 |
| <u>Soitec, S.A. and CEA v. Silicon Genesis Corporation</u> No. Civil Action 99-CV-10826 NG | U.S. District Court for the District of Massachusetts | Winston & Strawn LLP | Patent infringement | Dep: 2001 Report(2): 2000, 2001 |
| <u>Caterpillar, Inc. v. Deere & Company</u> No. 96C 5355 | U.S. District Court for the Northern District of Illinois | Mayer, Brown & Platt | Patent infringement | Dep: 1999 Report(4): 1998, 1999, 2001 |
| <u>Zevo Golf Co., Inc. v. Karsten Manufacturing Corp., et al.</u> No. 99-CV-2310-H | U.S. District Court for the Southern District of California | Bryan Cave LLP | Patent infringement | Dep: 2001 Report: 2001 |
| <u>Roxane Laboratories, Inc. v. Unimed Pharmaceuticals, Inc.</u> No. C2 00 125 | U.S. District Court for the Southern District of Ohio, Eastern Division | Sonnenschein Nath & Rosenthal | Breach of contract | Dep: 2001 Report(2): 2001 |
| <u>Pharmacia & Upjohn AB v. Genentech, Inc.</u> No. 10295/AMW/KGA | International Chamber of Commerce Arbitration | Latham & Watkins | Breach of contract | Arbitration: 2001 Report(3): 2000, 2001 |
| <u>Honeywell International, Inc. and Honeywell Intellectual Properties, Inc. v. Hamilton Sundstrand Corporation</u> No. Civil Action 99-309 (GMS) | U.S. District Court for the District of Delaware | Kirkland & Ellis LLP | Patent infringement | Trial: 2001 Dep: 2001 Report(2): 2000, 2001 |
| <u>MorphoSys AG v. Cambridge Antibody Technology, Ltd.</u> No. 1:99CV01012 | U.S. District Court for the District of Columbia | Katten Muchin Zavis | Patent infringement | Dep: 2000 Report(4): 2000, 2001 |
| <u>CCL Container (Hermitage) Inc. v. Exal Corp.</u> No. Civil Action 98-1786 | U.S. District Court for the Western District of Pennsylvania | Laff, Whitesel & Saret Ltd. | Patent infringement | Dep: 2001 Report: 2000 |
| <u>TorPharm, Inc. v. Ranbaxy Pharmaceuticals, Inc., et al.</u> No. 99-714 (JCL) | U.S. District Court for the District of New Jersey | Lord, Bissell & Brook | Patent infringement | Report: 2000 |

Julie L. Davis
Testimony Experience

| <i>Lawsuit</i> | <i>Court</i> | <i>Law Firm</i> | <i>Type</i> | <i>Testimony</i> |
|---|---|---|---|--|
| Xu Liu v. <u>Price Waterhouse LLP and Computer Language Research, Inc.</u> No. 97 C 3093 | U.S. District Court for the Northern District of Illinois, Eastern Division | Kirkland & Ellis LLP | Copyright infringement | Trial: 2000 Dep: 1998 Report(3): 1998 |
| Curtis P. Bryant, Kim R. Bryant and Rebecca Meloan v. <u>American Greetings Corporation</u> No. 99-WM-1819 | U.S. District Court for the District of Colorado | Merchant & Gould | Trademark and copyright infringement | Report: 2000 |
| Rotec Industries, Inc. v. <u>Mitsubishi Corporation</u> No. 99-2080 | U.S. District Court for the Central District of Illinois | Mayer, Brown & Platt | Trade secret | Report: 2000 |
| Spalding Sports Worldwide, Inc. v. <u>Wilson Sporting Goods Company</u> No. 98-CV-2855 | U.S. District Court for the Northern District of Ohio, Eastern Division | Seyfarth Shaw | Patent infringement | Report: 2000 |
| <u>Newell Operating Company, doing business as and through its division, EZ Paint Company</u> v. Linzer Products Corporation No. 98-C-0864 | U.S. District Court for the Eastern District of Wisconsin | Winston & Strawn LLP | Patent infringement | Report: 2000 |
| Keith S. Champlin, PhD and Midtronics, Inc. v. <u>Actron Manufacturing Company Inc.</u> Civil Action No. 98-CV-06441 | U.S. District Court for the Northern District of Illinois | Sidley & Austin | Patent infringement | Report: 2000 |
| <u>Joseph Serfecz & First Chicago Trust Co.</u> v. Jewel Foods Stores, Inc., et al. No. 92 C 4171 | U.S. District Court for the Northern District of Illinois, Eastern Division | Rock Fusco Reynolds Crowe & Garvey Lynda J. Khan & Associates | Antitrust restraint of trade and breach of contract | Dep(2): 1993, 1997 Report(3): 1993, 1997, 2000 |
| First Health Group Corp., formerly known as HealthCare Compare Corp., d/b/a The First Health AFFORDABLE Medical Networks v. <u>United Payors & United Providers, Inc.</u> No. 9 C 2518 | U.S. District Court for the Northern District of Illinois, Eastern Division | Kirkland & Ellis LLP | Unfair competition | Dep(2): 1999 Report(2): 1999 |
| <u>Goody Products, Inc.</u> v. The New L&N Sales & Marketing, Inc. and Rommy Hunt Revson Civil Action No. 99C-0724 | U.S. District Court for the Northern District of Illinois, Eastern Division | Schiff Hardin & Waite | Patent infringement | Dep: 1999 Report: 1999 |
| <u>Lucent Technologies, Inc.</u> v. Newbridge Networks Corporation and Newbridge Networks Inc. No. 97-347 | U.S. District Court for the District of Delaware | Kirkland & Ellis LLP | Patent infringement | Trial: 1999 Dep: 1999 Report(2): 1999, 2000 |
| <u>EMI Group North America, Inc.</u> v. Cypress Semiconductor Corporation No. 98-350-RRM | U.S. District Court for the District of Delaware | Sidley & Austin and Morris, Nichols, Arsht & Tunnell | Patent infringement | Trial: 1999 Dep: 1999 Report: 1999 |
| Precor Incorporated v. <u>Life Fitness, et al.</u> No. C94-1586C | U.S. District Court for the Western District of Washington at Seattle | Lane Powell Spears & Lubersky and Bartlit Beck Herman Palenchar & Scott | Patent infringement and unfair competition | Trial: 1999 Dep(3): 1995, 1996, 1999 Report(3): 1995, 1996, 1999 |

Julie L. Davis
Testimony Experience

| <i>Lawsuit</i> | <i>Court</i> | <i>Law Firm</i> | <i>Type</i> | <i>Testimony</i> |
|--|---|--|--------------------------------------|---|
| The Regents of the University of California v. <u>Genentech, Inc.</u> No. C 90-2232 CAL | U.S. District Court for the Northern District of California | Rogers & Wells | Patent infringement | Dep: 1998, 1999 Report(2): 1997, 1999 |
| <u>AMP Incorporated and The Whitaker Corporation</u> v. Teradyne, Inc. No. 4:CV-98-0975 | U.S. District Court for the Middle District of Pennsylvania | Brinks Hofer Gilson & Lione | Patent infringement and trade secret | Dep: 1999 Report: 1999 |
| Investment Holdings, Inc., and its wholly-owned subsidiaries Surface Technical Systems, Inc., Electrolizing, Inc. and ME-92 Operations, Inc. v. <u>Smith & Nephew, Inc. and Harry E. Corl, III</u> Case No. 97-3021 | U.S. District Court for the Western District of Tennessee | Fulbright & Jaworski | Trade secret | Dep: 1999 Report: 1999 |
| LePage's Incorporated and LePage's Management Co. LLC v. <u>Minnesota Mining and Manufacturing Company (3M)</u> No. 97-CV-3983 | U.S. District Court for the Eastern District of Pennsylvania | Collier, Shannon, Rill & Scott | Antitrust | Trial: 1999 Dep: 1998 Report: 1998 |
| <u>Micro Solutions, Inc.</u> v. Hewlett-Packard Company, <u>Micro Solutions, Inc.</u> v. Computer Connections America, Inc., and H45 Technology Corporation Civil Action No. 98 C 50135 | U.S. District Court for the Northern District of Illinois, Western Division | Brinks Hofer Gilson & Lione | Patent infringement | Dep: 1999 Report: 1999 |
| Ferndale Laboratories, Inc. v. <u>Block Drug Company, Inc., Reed & Carrick Division and Schwarz Pharma, Inc.</u> No. 95-CV-12796-DT | U.S. District Court for the Eastern District of Michigan, Southern Division | Dickinson, Wright, Moon, Van Dusen & Freeman | Breach of contract | Trial: 1999 Dep: 1997 Report(2): 1997, 1999 |
| Hilgraeve Corporation v. <u>McAfee Associates, Inc. (Network Associates)</u> No. 97-74695 | U.S. District Court for the Eastern District of Michigan, Southern Division | Wilson, Sonsini, Goodrich & Rosati | Patent infringement | Report: 1998 |
| Dade Behring Marburg GmbH Syva Company, and Dade Behring, Inc. v. <u>Biosite Diagnostics, Inc.</u> No. 97-501 | U.S. District Court for the District of Delaware | Kaye, Scholer, Fierman, Hays & Handler | Patent infringement | Dep: 1998 Report: 1998 |
| United Technologies Motors Systems, Inc. v. <u>Borg Warner Automotive, Inc.</u> No. 97-71706 | U.S. District Court for the Eastern District of Michigan, Southern Division | Brinks Hofer Gilson & Lione | Patent infringement | Report: 1998 |
| <u>F.C. Cycles International, Inc.</u> v. FILA Sport S.p.A. No. AMD 96-107 | U.S. District Court for the District of Maryland | Dickstein Shapiro Morin & Oshinsky | Wrongful termination of a license | Dep: 1998 Report: 1998 |
| <u>Videojet Systems International, Inc.</u> v. Eagle Inks, Inc. and Frank M. Quaglia, Jr. No. 97 C 4505 | U.S. District Court for the Northern District of Illinois | Jones, Day, Reavis & Pogue | Patent infringement | Report: 1998 |
| <u>Smith & Nephew Richards, Inc.</u> v. Zimmer, Inc. No. 94-2479 GBRO | U.S. District Court for the Western District of Tennessee | Pravel Hewitt Kimball & Krieger | Patent infringement | Dep: 1998 Report(4): 1998 |

Julie L. Davis
Testimony Experience

| <i>Lawsuit</i> | <i>Court</i> | <i>Law Firm</i> | <i>Type</i> | <i>Testimony</i> |
|--|--|--|--|--|
| <u>Alumax, Inc.</u> v. Hot Metal Molding, Inc., Hot Metal Technologies, Inc., Buhler, Inc., Buhler AG, and Ormet Primary Aluminum Corporation No. LR-C-95-486 | U.S. District Court for the Eastern District of Arkansas, Little Rock Division | Jones & Askew | Patent infringement | Dep: 1998 Report(3): 1998 |
| Time Inc. v. <u>Petersen Publishing Company, LLC</u> Civil Action No. 97 Civ. 5879 (HB) | U.S. District Court for the Southern District of New York | Kirkland & Ellis LLP | Trademark infringement | Trial: 1998 Dep: 1998 Report(2): 1998 |
| Donald E. Haney v. <u>Timesavers, Inc., et al.</u> No. CV-93-151-HA (Lead) | U.S. District Court for the District of Oregon | Bartlit Beck Herman Palenchar & Scott | Patent infringement | Trial: 1998 Dep: 1997 Report: 1997 |
| Stryker Corporation v. <u>Davol, Inc.</u> <u>Davol, Inc.</u> v. Stryker Corporation No. 96CV191 | U.S. District Court for the Western District of Michigan, Southern Division | Winston & Strawn LLP | Patent infringement | Trial: 1998 Dep(2): 1998 Report(6): 1997, 1998 |
| <u>Caterpillar, Inc.</u> v. Detroit Diesel Corporation No. 3:95 CV0489 RM | U.S. District Court for the Northern District of Indiana, South Bend Division | Ungaretti & Harris, Barnes & Thornburg, and Howrey & Simon | Patent infringement | Dep(2): 1997, 1998 Report(2): 1997, 1998 |
| Mattel, Inc. v. <u>Thomas Lowe Ventures, Inc., et al.</u> and <u>Thomas Lowe Ventures, Inc., et al.</u> v. Mattel, Inc. No. CV 96-7872 CBM (CWx) | U.S. District Court for the Central District of California | Laff, Whitesel, Conte & Saret | Copyright, trademark and trade dress infringement, unfair competition, and false advertising | Report(2): 1997 |
| <u>Genentech, Inc.</u> v. Boehringer Mannheim GmbH, and Boehringer Mannheim Corporation No. 96-11090 PBS | U.S. District Court for the District of Massachusetts | Rogers & Wells | Patent infringement | Dep: 1997 Report: 1997 |
| C&F Packing Co., Inc. v. <u>IBP, Inc., and Pizza Hut, Inc.</u> No. 93 C 1601 | U.S. District Court for the Northern District of Illinois, Eastern Division | Schiff Hardin & Waite and Seyfarth Shaw | Patent infringement and trade secret | Trial: 1998 Dep: 1997 Report: 1996 |
| Industrial Wire Products, Inc. v. <u>Lee/Rowan Company and Gary Lee</u> No. 4:95 CVO1705CAS | U.S. District Court for the Eastern District of Michigan | Schiff Hardin & Waite | Patent and trademark infringement | Report: 1997 |
| <u>Newell Operating Company, doing business as and through its division, EZ Paint Company</u> v. Wooster Brush Company No. 96-C-511 | U.S. District Court for the Eastern District of Wisconsin | Schiff Hardin & Waite | Patent infringement | Dep: 1997 Report(2): 1997 |
| Albert L. Wokas v. <u>Dresser Industries, Inc. d/b/a Wayne Dresser</u> No. 1:96 CV0297 | U.S. District Court for the Northern District of Indiana, Fort Wayne Division | Bartlit Beck Herman Palenchar & Scott | Patent infringement | Dep: 1997 Report: 1997 |

Julie L. Davis
Testimony Experience

| <i>Lawsuit</i> | <i>Court</i> | <i>Law Firm</i> | <i>Type</i> | <i>Testimony</i> |
|---|--|--|----------------------------------|---|
| Discovision Associates v. Disc Manufacturing, Inc. consolidated with <u>Disc Manufacturing, Inc.</u> v. Pioneer Electronic Corp., Pioneer Electronics (USA) Inc., Pioneer Electronics Capital, Inc., and Discovision Assoc. Nos. 95-345-SLR and 95-21-SLR | U.S. District Court for the District of Delaware | Brinks Hofer Gilson & Lione | Antitrust and unfair competition | Dep: 1997 Report: 1997 |
| PPG Industries, Inc. v. <u>Guardian Industries Corporation</u> No. 94-1112 | U.S. District Court for the Western District of Pennsylvania | Kirkland & Ellis LLP | Patent infringement | Trial: 1997 Report(2): 1997 |
| <u>Gossen Corporation</u> v. Marley Mouldings, Inc. No. 96-C-0351 | U.S. District Court for the Eastern District of Wisconsin | Leydig, Voit & Mayer, Ltd. | Patent infringement | Dep(2): 1997 Report: 1997 |
| <u>Sextant Avionique, S.A.</u> v. Analog Devices, Inc. No. C95 2838 SI | U.S. District Court for the Northern District of California | Fried, Frank, Harris, Shriver & Jacobson | Patent infringement | Dep: 1997 Report: 1997 |
| NeXstar Pharmaceuticals, Inc. v. <u>The Liposome Company, Inc.</u> <u>The Liposome Company, Inc.</u> v. NeXstar Pharmaceuticals, Inc. and Fujisawa USA, Inc. Civil Action No. 93-232 (RRM) | U.S. District Court for the District of Delaware | Rogers & Wells | Patent infringement | Report(2): 1997 |
| Avon Products, Inc. v. <u>S.C. Johnson & Son, Inc.</u> 94 Civ. 3958 (AGS) | U.S. District Court for the Southern District of New York | Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP | False advertising | Trial: 1997 Dep: 1996 Report(3): 1996 |
| <u>Symtron Systems, Inc.</u> v. Contraves, Inc. No. 94-4109 (AMW) | U.S. District Court for the District of New Jersey | Graham, Curtin & Sheridan | Patent infringement | Report: 1996 |
| Ajinomoto Co., Inc. v. <u>Archer Daniels Midland Co.</u> No. 95-218 (SLR) | U.S. District Court for the District of Delaware | Laff, Whitesel, Conte & Saret and Williams & Connolly | Patent infringement | Trial: 1996 Dep: 1996 Report: 1996 |
| <u>General Signal Corporation</u> v. Applied Materials, Inc. No. 94-461 | U.S. District Court for the District of Delaware | Rogers & Wells | Patent infringement | Report: 1996 |
| <u>Dade International, Inc.</u> v. Electronic Data Systems Corporation No. 95-1293 | U.S. District Court for the Southern District of Florida | Holleb & Coff | Breach of contract | Arbitration: 1996 Dep: 1996 Report(3): 1996, 1997 |
| O.I. Corporation v. <u>Tekmar Company</u> No. G-95-113 | U.S. District Court for the Southern District of Texas, Galveston Division | Fish & Neave | Patent infringement | Report: 1996 |
| <u>Cistron Biotechnology, Inc.</u> v. Immunex Corp. No. C93-1742WD | U.S. District Court for the Western District of Washington | Kirkland & Ellis LLP | Trade secret | Report(2): 1996 |
| <u>Monon Corporation</u> v. Stoughton Trailers, Inc. No. 95C0511 | U.S. District Court for the Northern District of Illinois | Lee F. Grossman & Associates | Patent infringement | Report: 1996 |

Julie L. Davis
Testimony Experience

| <i>Lawsuit</i> | <i>Court</i> | <i>Law Firm</i> | <i>Type</i> | <i>Testimony</i> |
|--|--|--|--|--|
| <u>Lull Industries, Inc. v. Pettibone Corporation and Traverse Lift Company</u> No. 4-94-227 | U.S. District Court for the District of Minnesota, 4 th Division | Sperling, Slater & Spitz | Patent infringement and antitrust | Report(2): 1995 |
| <u>Dorr-Oliver Incorporated v. Fluid-Quip, Inc., Andrew Franko, and Pic Tek, Inc.</u> No. 93 C 0842 | U.S. District Court for the Northern District of Illinois, Eastern Division | Felfe & Lynch | Trademark and trade dress infringement | Trial: 1995 Report: 1995 |
| <u>Richardson-Vicks, Inc. v. Upjohn Company, McNeil-PPC, Inc. and Johnson & Johnson</u> No. 93-556SLR | U.S. District Court for the District of Delaware | Brinks Hofer Gilson & Lione | Patent infringement | Trial: 1995 Dep: 1995 Report: 1995 |
| <u>Storck USA, LP, and August Storck v. Farley Candy Company, Inc.</u> No. 92-C 0552 | U.S. District Court for the Northern District of Illinois, Eastern Division | Laff, Whitesel, Conte & Saret | Trade dress and false advertising | Trial: 1995 Dep: 1995 Report(4): 1994, 1995 |
| <u>Al-Site Corp. v. Opti-Ray, Inc.</u> No. CV-91-1770 (ILG) and No. CV-92-4205 (ILG) | U.S. District Court for the Eastern District of New York | Schiff Hardin & Waite | Patent infringement | Trial: 1995 Dep(2): 1994, 1995 Report(2): 1994, 1995 |
| <u>The Dow Chemical Co. v. The United States</u> No. 19-83C | U.S. Court of Federal Claims | Lieberman & Nowak | Patent infringement | Trial: 1994 Dep: 1994 |
| <u>Imax Corporation v. World Odyssey, Inc. and the Jefferson National Expansion Historical Association, Inc.</u> No. 4:93 V001285 GFG | U.S. District Court for the Eastern District of Missouri | Laff, Whitesel, Conte & Saret | Patent infringement | Dep: 1994 |
| <u>Morton International, Inc. v. Thomas E. Nowakowski, et al.</u> No. 93-CV-2967 | U.S. District Court for the Eastern District of Pennsylvania | Jones, Day, Reavis & Pogue | Trade secret | Dep: 1994 Report: 1994 |
| <u>BHI Corporation, et al. v. Mesirow Realty Management, Inc.</u> No. 89 CH 3332 | Circuit Court of Cook County, Illinois, Chancery Division | Clausen, Miller, Gorman Caffrey & Witous, P.C. | Business interruption | Dep: 1994 Report: 1990 |
| <u>Charles C. Allenson v. Hoyne Savings Bank</u> No. 90 CH 10351 | Circuit Court of Cook County, Illinois, Chancery Division | Ruff, Weidenaar & Reidy, Ltd. | Deceptive business practice and consumer fraud | Dep: 1994 |
| <u>Brent Thomas Smith, et al. v. Kansas City Power and Light Co. d/b/a KPL Gas Service Co.</u> CV91-0873-CV-W-3 | U.S. District Court for the Western District of Missouri, Kansas City Division | Hillix, Brewer, Hoffhaus, Whittaker & Wright | Business interruption | Trial: 1992 Dep: 1992 Report: 1992 |
| <u>Electronic Business Systems, Inc. v. Omron Business Systems, Inc.</u> | U.S. District Court for the District of Kansas | Mayer Brown & Platt | Dealership termination | Dep: 1988 |

Exhibit 2

Hologic, Inc., Cytac Corporation and Hologic L.P. v. SenoRx, Inc.**Exhibit 2****Index to Documents Considered in Forming Opinions**

| Beginning Bates | Ending Bates | Description |
|----------------------------|-------------------------|---|
| HOLOGIC 0047845 | HOLOGIC 0047860 | Exhibit 17: Settlement Agreement License, and Mutual Release between Cytac Corporation and XOFT, Inc., dated 8/13/2007 |
| HOLOGIC 0047861 | HOLOGIC 0047863 | XOFT, Inc. v. Cytac Corporation; and Proxima Therapeutics, Inc. Stipulation and Order for Dismissal with Prejudice |
| HOLOGIC 009896 | HOLOGIC 009936 | Klein Deposition Exhibit 253: Xoft - Providing the Next Generation Platform for Radiation Therapy, dated 1/2007 |
| SRX-HOL00000007 | SRX-HOL00000017 | Exhibit 4: United States Patent No. 6,413,204 B1 entitled "Interstitial Brachytherapy Apparatus and Method for Treatment of Proliferative Tissue Diseases," dated 7/2/2002 |
| SRX-HOL00000018 | SRX-HOL00000027 | Exhibit 6: United States Patent No. 6,482,142 B1 entitled "Asymmetric Radiation Dosing Apparatus and Method," dated 11/19/2002 |
| SRX-HOL00000161 | SRX-HOL00000180 | Exhibit 9: Application for United States Letters Patent entitled, "Asymmetric Radiation Dosing Apparatus and Method" |
| SRX-HOL00000205 | SRX-HOL00000209 | Exhibit 10: United States Patent and Trademark Office Communication Concerning Patent Application |
| SRX-HOL00000211 | SRX-HOL00000224 | Exhibit 12: Amendment to Patent Application 09/464,727-7988, filed 12/16/1999 |
| SRX-HOL00000685 | | Purchase Order Request/Invoice for Dr. John Rimmer, MD |
| SRX-HOL00000726 | | Email from Michelle Powell to Stephanie Harper re: Dr. Perry, dated 2/12/2008 |
| SRX-HOL00000728 | | SenoRx, Inc. Invoice for Kerri Perry, MD, dated 1/31/2008 |
| SRX-HOL00000772 | SRX-HOL00000773 | Email from Bill Gearhart to Michelle Powell re: Contura Multi Lumen/ASTRO Slides/Skin Distance, dated 11/6/2007 |
| SRX-HOL00000960 | | Email from Michelle Powell to Karen Vallejo re: Money Back-SenoRx, dated 11/19/2007 |
| SRX-HOL00002232 | SRX-HOL00002233 | Exhibit 27: Multi-Lumen Balloon Source Applicator for Brachytherapy Instructions for Use |
| SRX-HOL00002292 | SRX-HOL00002296 | Exhibit 5: Article: "A new Technique of Brachytherapy for Malignant Gliomas with Caesium-137: A new Method Utilizing a Remote Afterloading System |
| SRX-HOL00002297 | SRX-HOL00002307 | Exhibit 13: United States Patent No. 5,931,774 entitled "Inflatable Devices for Tumor Treatment," dated 8/3/1999 |
| SRX-HOL00002308 | SRX-HOL00002325 | Exhibit 11: United States Patent No. 6,036,631 entitled "Device and Method for Intracavitary Cancer Treatment." dated 3/14/2000 |
| SRX-HOL00002353 | SRX-HOL00002358 | Canaccord Adams SenoRx Investment Research, dated 2/19/2008 |
| SRX-HOL00002359 | SRX-HOL00002379 | Canaccord Adams SenoRx Investment Research, dated 2/20/2008 |
| SRX-HOL00002792 | SRX-HOL00002793 | Exhibit 29: Hologic Inc Form 10-Q/A for the period ending 12/29/2007 |
| SRX-HOL00002806 | | Exhibit 29 (continued): Hologic Inc Form 10-Q/A for the period ending 12/29/2007 |
| SRX-HOL00003035 | | Exhibit 19: Hologic Inc Form 10-K for the period ending 9/29/2007 |
| SRX-HOL00003038 | | Exhibit 19 (continued): Hologic Inc Form 10-K for the period ending 9/29/2007 |
| SRX-HOL00003051 | SRX-HOL00003053 | Exhibit 19 (continued): Hologic Inc Form 10-K for the period ending 9/29/2007 |
| SRX-HOL00003311 | SRX-HOL00003344 | Exhibit 16: SenoRx Study, dated 3/16/2008 |
| SRX-HOL00003399 | SRX-HOL00003401 | Exhibit 2: Merriam-Webster's Collegiate Dictionary Tenth Edition Printouts |
| SRX-HOL00007316 | SRX-HOL00007322 | 2006 Strat Plan Revenue Generation Model |
| SRX-HOL00007851 | | Email from Mark to Doug Bradley re: Mammosite Pricing, dated 5/31/2007 |
| SRX-HOL00007924 | | Email from Paul Lubock re: Great Reimbursement News, dated 6/6/2007 |
| | | "High-Dose Brachytherapy Gaining Converts in War on Early Stage Breast Cancer," dated August/September 2006, at http://new.reillycomm.com/outpatient/article_print.php?id=156 , printed on 4/2/2008 |
| | | "Xoft, Inc., Announces Additional Funding For Breakthrough Electronic Brachytherapy Technology," dated 4/4/2007, at http://www.frazierhealthcare.com/pdf/xoft_040507.pdf |
| | | Declaration of Aaron P. Maurer in Support of Defendant SenoRx, Inc.'s Opposition to Plaintiffs' Motion for a Preliminary Injunction, dated 4/21/2008 |
| | | Declaration of Colin G. Orton, Ph.D. in Support of Defendant SenoRx, Inc.'s Opposition to Plaintiffs' Motion for a Preliminary Injunction, dated 4/21/2008 |
| | | Declaration of Douglas Arthur, M.D. in Support of Defendant SenoRx, Inc.'s Opposition to Plaintiffs' Motion for a Preliminary Injunction, dated 4/21/2008 |
| | | Declaration of Glenn Magnuson in Support of Plaintiffs' Motion for Preliminary Injunction, dated 2/7/2008 |
| | | Declaration of Philip Z. Israel, M.D. in Support of Defendant SenoRx, Inc.'s Opposition to Plaintiffs' Motion for a Preliminary Injunction, dated 4/21/2008 |
| | | Declaration of Roy Weinstein in Support of Defendant SenoRx, Inc.'s Opposition to Plaintiffs' Motion for a Preliminary Injunction, dated 4/21/2008 |
| | | Declaration of William F. Gearhart in Support of Defendant SenoRx, Inc.'s Opposition to Plaintiffs' Motion for a Preliminary Injunction, dated 4/21/2008 |
| | | Defendant SenoRx, Inc.'s Opposition to Plaintiffs' Motion for a Preliminary Injunction, dated 4/21/2008 |
| | | Deposition (uncertified rough draft transcript) of William F. Gerhart, dated 4/2/2008 |
| | | Deposition of Glenn I. Magnuson, dated 3/18/2008 |
| | | Deposition of Philip Z. Israel, dated 4/2/08 |

Hologic, Inc., Cytoc Corporation and Hologic L.P. v. SenoRx, Inc.

Exhibit 2

Index to Documents Considered in Forming Opinions

| Beginning Bates | Ending Bates | Description |
|--------------------|-----------------|--|
| | | Deposition of Roy Weinstein, dated 4/4/2008 |
| | | Exhibit 18: XOFT, Inc. v. Cytoc Corporation; and Proxima Therapeutics, Inc. Memorandum of Points and Authorities in Support of Cytoc's Opposition to XOFT, Inc.'s Motion to Compel a Further Deposition of James Stubbs and, to Produce Documents without Objection, dated 5/23/2007 |
| | | Exhibit 3: XOFT, Inc. v. Cytoc Corporation; and Proxima Therapeutics, Inc. Claim Construction Order, dated 4/27/2007 |
| | | Exhibit 8: XOFT, Inc. v. Cytoc Corporation; and Proxima Therapeutics, Inc. Defendant and Counterclaimant Cytoc Corporation's Opening Claim Construction Brief, dated 9/9/2006 |
| | | Hologic 2007 Annual Report, Letter to Shareholders |
| | | Hologic, Inc. Form 10-K for the fiscal year ended 9/29/2007 |
| | | http://columbia-stmarys.com/OPage.asp?PageID=OTH000160 , printed on 4/7/2008 |
| | | http://www.hologic.com/ir/index.cfm , printed on 4/7/2008 |
| | | http://www.senorx.com/aboutsenrx.asp , printed 4/3/2008 |
| | | Letter from Aaron P. Mauer to Katharine Altemus, dated 3/5/2008 |
| | | Plaintiffs' Notice of Motion and Motion for Preliminary Injunction, dated 2/6/2008 |
| | | SenoRx, Inc. Form 10-K for fiscal year ended 12/31/2007 |